

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1485

IN THE MATTER OF:

Application of SUBURBAN	)	Served January 7, 1976
TRANSIT COMPANY for	)	
Certificate of Public	)	Application No. 884
Convenience and Necessity	)	
to Perform Special	)	Docket No. 298
Operations	)	

APPEARANCES:

POSIE JAMES PRESTON, JR., appearing on behalf of Suburban Transit Company, applicant.

DONALD J. BALSLEY, JR., Counsel for Washington Metropolitan Area Transit Commission.

BY THE COMMISSION:

By Application No. 884, filed October 9, 1975, Suburban Transit Company (Suburban), the trade name for a business conducted by Posie James Preston, Jr., seeks a certificate of public convenience and necessity pursuant to Title II, Article XII, Section 4(b) of the Compact, to perform special operations. Suburban seeks authority to transport passengers, over irregular routes, from Gaithersburg, Maryland, Rockville, Maryland, Wheaton, Maryland, Reston, Virginia, Tyson's Corner, Virginia, Springfield, Virginia, or points in Washington, D. C., located at 16th and Kennedy Streets, N. W., and 4th and Michigan Avenue, N. W., to the Capital Centre, Largo, Maryland and return.

By Order No. 1465, served October 28, 1975, the application was assigned for public hearing. 1/ By Order No. 1477, served December 5, 1975, the hearing date was postponed from December 9, 1975 until December 15, 1975.

Suburban is owned and operated by Posie James Preston, Jr. It formally commenced operations in May 1975. Suburban previously has been involved in the area of transportation either by leasing its vehicles and drivers to other carriers or by performing charter service for local school children. Suburban holds no authority from this Commission other than temporary authority. Suburban will have available five buses for use in rendering the proposed service. The buses have seating capacities ranging between 39 passengers and 45 passengers. The buses will be commercially maintained. In the event additional equipment is required, appropriate equipment will be leased.

Suburban proposes to operate for each event at the Capital Centre. The points will be serviced by four vehicles. A vehicle will originate traffic in Wheaton, Maryland, approximately one hour before each scheduled event. A vehicle will depart Reston, Virginia, approximately one hour and fifteen minutes before the scheduled event. Then it will stop at Tyson's Corner, Virginia, approximately one hour before the scheduled event and it will make two stops in Springfield, Virginia, approximately forty-five minutes and thirty minutes before the scheduled event. A vehicle will depart Gaithersburg, Maryland, approximately one hour and fifteen minutes before the

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1/ The Commission's Order No. 1465 also granted Suburban temporary authority to transport passengers, over irregular routes, in special operations, from Wheaton, Maryland, Reston-Tyson's Corner, Virginia, Gaithersburg-Rockville, Maryland, or Washington, D. C., at 16th and Kennedy Streets, N. W., and 4th Street and Michigan Avenue, N. E., to the Capital Centre, Largo, Maryland, and return. Such temporary authorization became effective October 29, 1975, and will terminate April 25, 1976, unless otherwise provided by order of the Commission.

scheduled event and it will stop at Rockville, Maryland, approximately forty-five minutes before the scheduled event. A vehicle will depart 16th and Kennedy Streets, N. W., approximately one hour before each scheduled event and it will make a stop at 4th and Michigan Avenues, N. E. Suburban has proposed a \$2.50 round-trip fare for service originating at either Wheaton, Maryland, or the points located within the District of Columbia, a \$2.75 round-trip fare for service originating at Gaithersburg or Rockville, Maryland, and a \$3.00 round-trip fare for service originating at Reston, Tyson's Corner, or Springfield, Virginia.

A representative for Capital Centre appeared in support of the application. The representative indicated that presently there is no public bus transportation directly to the Capital Centre from the points proposed to be served. According to the representative, Capital Centre sampled persons attending different events to determine whether there would be any benefit to the public from the institution of transit service. The results of the sample indicate that members of the general public would patronize the proposed service.

According to the representative, the proposed service would improve the traffic flow to and from the Capital Centre. The Capital Centre parking lot currently has spaces for 6700 automobiles. The seating capacity of the Capital Centre is in excess of 17,000 for any event. The result of institution of the proposed service should be a reduction in the traffic congestion at the Capital Centre.

The findings to be made by the Commission with respect to applications for certificates of public convenience and necessity are set forth in Title II, Article XII, Section 4(b) of the Compact. The Commission must make two separate findings. First, the applicant must be "fit, willing and able" to perform the proposed transportation properly and to conform to the provisions of the Compact and the rules, regulations and requirements of the Commission thereunder. Second, the proposed transportation "must be or will be required" by the public convenience and necessity.

The Commission believes that the record supports a finding that Suburban is fit, willing and able to perform the proposed transportation properly and to conform to the provisions of the Compact and the rules, regulations and requirements of the Commission thereunder. The Commission further believes that the record supports a finding that the public convenience and necessity requires the approval of Suburban's application for authority to perform special operations.

The Compact requires each carrier to "file with the Commission, and keep open to public inspection, tariffs showing (1) all fares it charges for transportation subject to this Act, . . . , and (2) to the extent required by regulations of the Commission, the regulations and practices of such carrier affecting such fares". See Compact, Title II Article XII, Section 5(a). The Commission shall direct Suburban to file such a tariff with respect to the special operations authority granted herein.

Suburban estimates that the performance of the proposed special operations would generate \$62,644 in revenues and require \$46,302 in revenue deductions during the future period calendar year 1976. The projected revenues are based upon the operation of three buses for three events per week. Each bus is projected as operating at capacity with the passengers on two buses paying \$3 each and the passengers on the other bus paying \$2.50 each. The projected revenue deductions are based upon a projection of 360 miles of operation per week. The buses would be equipped with two-way radio systems and the operation may require additional equipment. Suburban has made arrangements to lease and operate additional buses. Suburban would advertise the service and would attempt to sell tickets in advance of providing the proposed service.

Although the Commission does not find that the revenue and revenue deductions estimates by Suburban are accurate, the proposed rate structure appears to be compensatory. The Commission believes that the proposed rate structure is just, reasonable and not unduly preferential or unduly discriminatory either between riders or sections of the Metropolitan District.

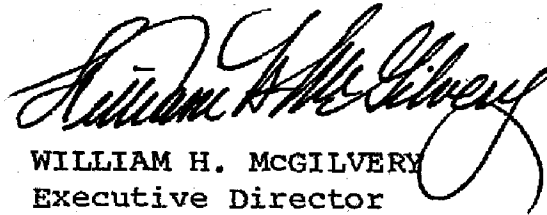
THEREFORE, IT IS ORDERED:

1. That Application No. 884 of Suburban Transit Company be, and it is hereby, granted.

2. That Suburban Transit Company be, and it is hereby, issued Certificate of Public Convenience and Necessity No. 29, as attached hereto and made a part hereof.

3. That Suburban Transit Company be, and it is hereby, directed to file WMATC Tariff No. 1 in accordance with the authority granted herein, such tariff to be effective upon acceptance by the Executive Director.

BY DIRECTION OF THE COMMISSION:



WILLIAM H. MCGILVERY  
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NO. 29

SUBURBAN TRANSIT COMPANY\*  
WASHINGTON, D. C.

By Order No. 1485 of the Washington Metropolitan Area Transit Commission issued January 7, 1976.

AFTER DUE INVESTIGATION, it appearing that the abovenamed carrier is entitled to receive authority from this Commission to engage in the transportation of passengers within the Washington Metropolitan Area Transit District as a carrier, for the reasons and subject to the limitations set forth in Order No. 1485.

THEREFORE, IT IS ORDERED, that the said carrier be, and it is hereby, granted this certificate of public convenience and necessity as evidence of the authority of the holder to engage in transportation as a carrier by motor vehicle; subject, however, to such terms, conditions and limitations as are now, or may hereafter be attached to the exercise of the privilege herein granted to the said carrier.

IT IS FURTHER ORDERED that the transportation service to be performed by the said carrier shall be as specified below:

IRREGULAR ROUTES:

SPECIAL OPERATIONS

From Gaithersburg, Maryland, Rockville, Maryland, Wheaton, Maryland, Reston, Virginia, Tyson's Corner, Virginia, Springfield, Virginia, or points in Washington, D. C., located at 16th and Kennedy Streets, N. W., and 4th and

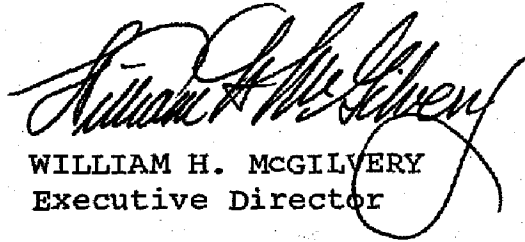
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\* Suburban Transit Company is the trade name for a business owned and operated by Posie James Preston, Jr.

Michigan Avenue, N. W., to the Capital Centre,  
Largo, Maryland, and return.

AND IT IS FURTHER ORDERED and made a condition of  
this certificate that the holder shall render reasonable,  
continuous and adequate service to the public in pursuance  
of the authority granted herein, and that failure so to do  
shall constitute sufficient grounds for suspension, change  
or revocation of the certificate.

BY DIRECTION OF THE COMMISSION:



WILLIAM H. MCGILVERY  
Executive Director